

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SUP-13271 - APPLICANT: C.R.E.M. CORPORATION INC.**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 16, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Any existing banner signs located on the establishment shall be removed. Any future temporary signs, such as banners, shall comply with the requirements of Title 19.14.090 (A).
2. The sale of alcoholic beverages shall be limited to a maximum of 10 % of the floor area of the convenience store.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a retail establishment with accessory package liquor off-sale use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for a Special Use Permit for a retail establishment with accessory package liquor off-sale in an existing convenience store on 1.22 acres at 8251 West Charleston Boulevard.

**EXECUTIVE SUMMARY**

The proposed retail establishment with accessory package liquor off-sale in an existing convenience store is compatible with the commercial and medium density residential uses in the area.

**BACKGROUND INFORMATION**

***A) Related Actions***

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|----------|--|
| 05/05/93 | The City Council approved a rezoning of this site to C-1 (Limited Commercial) (Z-26-93). The Planning Commission and staff had recommended approval.   |
| 07/13/95 | The Planning Commission approved a Site Plan Development Plan Review of a proposed retail shopping center on the subject site [Z-26-93 (3)]. The subject convenience store was part of this request. |
| 07/17/96 | The City Council approved a Special Use Permit for the sale of beer and wine in conjunction with the subject convenience store (U-0049-96).  |
| 03/28/97 | A business license to allow the sale of beer and wine in conjunction with the subject convenience store was issued by the Business Activities Division.  |
| 06/08/06 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #3/ar).  |

***B) Pre-Application Meeting***

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|----------|---|
| 03/14/06 | A pre-application meeting was held and elements of a Special Use Permit application were discussed. |
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***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

## DETAILS OF APPLICATION REQUEST

### A) *Site Area*

Net Acres: 1.22

### B) *Existing Land Use*

Subject Property: Convenience Store  
North: Condominiums  
South: Apartments  
East: Retail shopping  
West: Apartments

### C) *Planned Land Use*

Subject Property: SC (Service Commercial)  
North: M (Medium Density Residential)  
South: M (Medium Density Residential)  
East: SC (Service Commercial)  
West: M (Medium Density Residential)

### D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)  
North: U (Undeveloped) under resolution of intent to R-PD14)  
South: C-1 (Limited Commercial)  
East: C-1 (Limited Commercial)  
West: R-3 (Medium Density Residential)

### E) *General Plan Compliance*

The subject property is designated as SC (Service Commercial) by the Southwest sector map of the General Plan. The Service Commercial category allows low to medium density retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers and areas, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. This Special Use Permit conforms to applicable General Plan Policies and the regulations of the C-1 District.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	1,960 SF.*	1/250 GFA	13	1	22	1
Total			13		23	

The site is providing a total of 23 parking spaces where 13 spaces are required. This exceeds the requirements of Title 19.10.

#### A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Retail establishment with accessory package liquor off-sale	Shall not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.	Yes

### B) *General Analysis and Discussion*

- Zoning

The site is zoned C-1 (Limited Commercial). The C-1 District permits the proposed retail establishment with accessory package liquor off-sale use with approval of a Special Use Permit. This application would satisfy that requirement if approved.

- Use

A retail establishment with accessory package liquor off-sale is an establishment whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. The sale of alcohol must be clearly secondary to retail sales.

- Conditions

**RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR  
OFFSALE**

**[C-1, C-2, C-M, M]**

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

- \*1. Except as otherwise provided in this Chapter, no retail establishment accessory package liquor off-sale (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- \*2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.
- \*3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirements in Paragraph 1 do not apply to:
  - a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
  - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
7. The minimum distance requirements set forth in Paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, may be waived:
  - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
  - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
  - c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of least one hundred feet.

Conditions denoted with an asterisk cannot be waived.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The majority of the properties near the subject site are designated for commercial uses or medium density residential uses. The proposed use, as a retail establishment with accessory package liquor off-sale in an existing convenience store, would be compatible with existing and future surrounding land use and development.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the proposed addition of a Beer/Wine/Cooler Establishment. The use will not be too intense for this area of the City.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site gains access from Charleston Boulevard, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and which provides adequate access to the site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site would be subject to frequent inspections and would not compromise public health or safety.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**ASSEMBLY DISTRICT** 2

**SENATE DISTRICT** 8

**NOTICES MAILED** 634 by City Clerk

**APPROVALS** 0

**PROTESTS** 3